THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 4th August, 2006

W.P.No.13305 of 2005

Between:

Adapa Dhanalaxmi … Petitioner

and

Revenue Divisional Officer,
Peddapuram, East Godavari
District and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.13305 of 2005

O R D E R:

This Writ Petition is filed challenging the Proceedings of the 2nd respondent-Joint Collector, East Godavari District, Kakinada, wherein the appeal filed by the 3rd respondent against the cancellation of his authorization for Fair Price Shop No.13 of P.Kottam village, Kotananduru Mandal, East Godavari district was allowed and his authorization was directed to be restored and the matter was referred back to the licensing authority for fresh perusal.

While admitting the Writ Petition, an interim order of suspension of the impugned Order was passed on 22-6-2005. Thereafter, on filing a vacate petition, the said interim suspension order was vacated on 19-7-2005. Thus, the 3rd respondent is continuing as fair price shop dealer of the said shop.

It seems, the petitioner was appointed as a fair price shop dealer temporarily in view of the suspension of the authorization of the 3rd respondent, during the pendency of the enquiry into certain allegations made against him. After enquiry into the matter, the 1st respondent-Revenue Divisional Officer cancelled the authorization of the 3rd respondent. Aggrieved by the same, the 3rd respondent filed an appeal before the 1st respondent. The appeal was allowed by the impugned Order and the authorization of the 3rd respondent was

restored; however, the matter was remitted back to the licensing authority for passing orders afresh. Pursuant to the said order, the 1st respondent-Revenue Divisional Officer passed an Order dated 4-6-2005 restoring the authorization of the 3rd respondent and cancelling the temporary dealership of the petitioner. Challenging the said Orders, the present Writ Petition is filed.

As of now, the petitioner is not running the fair price shop in question. Respondent No.3 was rightly allotted with the fair price shop in view of the fact that the appeal filed by him was allowed by the 2nd respondent-Joint Collector.

However, learned counsel for the petitioner states that during the pendency of this Writ Petition, respondent No.3 wanted to contest in the local body elections; therefore, he resigned from the dealership of the fair price shop; as such, the petitioner is entitled for allotment of the fair price shop held by her earlier. Even if the 3rd respondent resigned, the petitioner will not have any right for grant of authorization in her favour; it is for the authorities to decide whether to allot it to the petitioner or notify the vacancy for filling the same on permanent basis. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

4-8-2006

prk